

AMENDED IN ASSEMBLY APRIL 5, 2005
AMENDED IN ASSEMBLY MARCH 29, 2005
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 695

Introduced by Assembly Member Mullin

February 17, 2005

An act to amend Section 1723 of, and to add Section 1724 to, the Civil Code, relating to retail sales.

LEGISLATIVE COUNSEL'S DIGEST

AB 695, as amended, Mullin. Retail sales.

Existing law requires a retail seller of goods to the public that has a policy of denying full cash or credit refunds for the exchange of merchandise for goods of equal value, *for at least 7 days following purchase of the goods, as specified*, to conspicuously ~~post displays stating the display that~~ store's refund and exchange ~~policies~~ policy.

This bill would ~~further~~ *instead* require ~~those displays to provide that cash refunds, store credit, or exchanges will be given for the full amount of the purchase price within a minimum of 30 days after purchase of a good, upon presentation of a valid receipt~~ *every retail seller to conspicuously display its return policy, as specified*. The bill would also prohibit a retail seller from requiring identification for a cash purchase, from imposing limits on the number of returned items, ~~and~~ from aggregating *personal* information for purposes of denying a return, ~~and from sharing personal information with a nonaffiliated 3rd party~~. The bill would further require a retail seller to provide legible receipts.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1723 of the Civil Code is amended to read:

1723. (a) Every retail seller that sells goods to the public in this state ~~that has a policy as to any of those goods of not giving full cash or credit refunds, or of not allowing equal exchanges, or any combination thereof, for at least seven days following purchase of the goods if they are returned and proof of their purchase is presented,~~ shall conspicuously display ~~that its return~~ policy on signs posted at each cash register and sales counter. Every retail seller shall also conspicuously display that policy on signs at each public entrance, on tags attached to each item sold under that policy, or on the retail seller's order forms, if any. This display shall state the store's policy, including, but not limited to, all of the following:

(1) Cash refund, store credit, or exchanges will be given for the full amount of the purchase price within a minimum of 30 days after purchase of a good upon presentation of a valid receipt.

(2) The types of merchandise that are covered by the policy.

(3) *Whether the retailer has a policy of not giving full cash or credit refunds, or of not allowing equal exchanges.*

(4) Any other conditions that govern the refund, credit, or exchange of merchandise.

(b) Every retail seller that sells goods to the public in this state shall not do any of the following:

(1) Require the purchaser to show identification for items purchased with cash.

(2) Impose limits on the number of items a purchaser may return.

(3) Aggregate *personal* information for purposes of denying a return.

(4) *Share personal information with a nonaffiliated third party.*

(c) This section does not apply to food, plants, flowers, perishable goods, goods marked "as is," "no returns accepted," "all sales final," or with similar language, goods used or damaged after purchase, customized goods received as ordered,

1 goods not returned with their original package, and goods that
2 cannot be resold due to health considerations.

3 (d) (1) Any retail store that violates this section shall be liable
4 to the buyer for the amount of the purchase if the buyer returns,
5 or attempts to return, the purchased goods on or before the 30th
6 day after their purchase.

7 (2) Violations of this section shall be subject to the remedies
8 provided in the Consumers Legal Remedies Act (Title 1.5
9 commencing with Section 1750) of Part 4).

10 (3) The duties, rights, and remedies provided in this section
11 are in addition to any other duties, rights, and remedies provided
12 by state law.

13 SEC. 2. Section 1724 is added to the Civil Code, to read:

14 1724. Every retailer shall provide a receipt for the purchase of
15 goods that is legible for its entire return period.